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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,974	12/10/2003	Akinoi Masushige	1118.68793	9034

7590 11/12/2008
Patrick C. Burns, Esq.
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EXAMINER

SILVER, DAVID

ART UNIT

PAPER NUMBER

2128

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

2008 NOV 17 AM 10:47
GREER, BURNS & CRAIN, LTD

Office Action Summary	Application No. 10/731,974	Applicant(s) MASUSHIGE ET AL.	
	Examiner DAVID SILVER	Art Unit 2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 20 October 2008.

2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.

3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 3, 6, 7, 9 and 10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 1, 3, 6, 7, 9 and 10 is/are allowed.

6) ☐ Claim(s) _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/22/08.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. The Instant Office Action is in response to an RCE filed after a Notice of Allowance.
2. Claims 1, 3, 6, 7, 9, and 10 are pending in Instant Application.
3. All claims are allowable over the prior art of record.
4. Applicant is advised that this is an *Ex parte Quayle* action.

Information Disclosure Statement

5. The Information disclosure statement (IDS) submitted on 10/20/2008 was filed after the mailing date of the Notice of Allowance. The submission is NOT in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is NOT being considered by the examiner.
6. Firstly, it is noted that two (2) NPL documents were submitted, but only one NPL document is listed on the IDS.
 - a. NPL listed on the IDS is: "Visualizing Terminal Screen: Part II, Support Tool for Visualization, Emulate a character-base simple screen to GUI. Nikkei Open Systems, No. 6, p. 108-119, September 10, 1993." (totaling: 12 pages)
 - b. First NPL submitted: "Feature: Visualizing Terminal Screen: Part II: Support Tool for Visualization: Emulate a character-base simple screen to GUI", which totals 51 pages.
 - c. Second NPL submitted: "Notice of Reason for Rejection Patent Application No. 2002-358569", dated Jan 27, 2007.
7. Secondly, it is noted that the document listed is of pages 108-119 (totaling 12 pages); however, the documents submitted are 8 pages, and 51 pages. It appears that the 51 page document is related to the listed 108-119 page document. However, it is not identical to the one that is listed on the IDS. It is unclear whether the added portion is a translation of pages 108-119, as no mention of a translation was submitted, or marked on the IDS.
8. Accordingly, the 8 page document was not considered because it was not properly listed on the IDS.
9. Accordingly, the 51 page document was not considered because either 1) it was not properly listed on the IDS, 2) it contains additional information, 3) it contains a translation, 4) it is unclear whether

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the additional portions have the same priority (1993) as pages 108-119.

Allowable Subject Matter

10. This case remains allowable for the reasons made of record in the Previous Office Action.
11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the Issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. All claims are found allowable over prior-art.
13. This application is in condition for allowance except for the following formal matters:

Submission of IDS containing the proper citation of the submitted NPL art.

Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID SILVER whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Thursday 9-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

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Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamini S Shah/
Supervisory Patent Examiner, Art Unit 2128

David Silver
Examiner
Art Unit 2128

/DS/

Form PTO-1449 U.S. Department of Commerce
(Rev. 8-88) Patent and Trademark Office

Attorney Docket No.: 3169.68793

Serial No.: 10/731,974

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Applicant: Akinori Masushige

Filing Date: December 10, 2003

Group: 2128

U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Visualizing Terminal Screen: Part II, Support Tool for Visualization, Emulate a character-base simple screen to GUI.

Nikkei Open Systems, No. 6, p. 108-119, September 10, 1993.

Item not considered. See Office Action for reasons.

Examiner

/David Silver/ (11/07/2008)

Date Considered

*Examiner:

Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.